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Subject: Cross-Cutting Issues News for January 27, 2021



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**Bloomberg
Environment**

Environment & Energy

With Ruling, Biden Holds Key to Fate of Dakota Access Pipeline

In the wake of a new court decision affirming the need for additional review, President Joe Biden could move quickly against Energy Transfer LP's Dakota Access pipeline.

Legal Cover: Yesterday, the U.S. Court of Appeals for the District of Columbia Circuit refused to revive a key pipeline easement and provided Biden with fresh legal cover to step in and halt operations.

Federal Trespass: Lacking the easement, Dakota Access is trespassing on federal land and it is up to the new Biden administration to decide to bring an enforcement action addressing the encroachment—or not.

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Leading the News

Pipelines Pledge Emissions Curbs as Biden Targets Fossil Fuels

America's major natural gas pipeline owners committed to paring their carbon footprint and making their own operations emissions-free by 2050. The pledge falls short of covering the emissions of their customers -- which can be vastly larger -- but may help the industry ward off political attacks.

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Groups Challenge Asbestos Evaluation From Trump Administration

Scientists and public health groups started a legal fight Tuesday over the Trump administration's final chemical evaluation of asbestos.

◆ [Petition Attached](#)

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VW Argues Ohio's \$350M-a-Day Emission Fine Is 'Regulatory Chaos'

Ohio's highest court will determine whether Volkswagen AG was acting like a mechanic or a manufacturer when it updated in-car computers to fudge emissions data, and determine if the automaker may pay a \$350-million-a-day fine or escape any state sanction.

📎 [Docket Attached](#)

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Insights

Perspectives from Legal Practitioners, Law Professors and Other Thought Leaders

Censored Science, the CRA, and the End of Meta-Deregulation

By Richard L. Revesz of New York University School of Law

NYU Law Professor Richard L. Revesz says the Biden administration should use the Congressional Review Act to undo a Trump administration final rule that restricts how science can be used in future EPA rulemaking. He contends that in the hands of the Trump administration, the rule could have resulted in a significant number of additional premature deaths and adverse health consequences.

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Considering ESG? Three Ways Lawyers Can Help

By Jillian C. Kim and Bernadette M. Rappold of Greenberg Traurig LLP

Environmental, social, and governance measures can bolster an organization's financial performance but when mishandled can lead to greater litigation risks, shareholders in Greenberg Traurig's environmental practice explain. They say lawyers well-versed in various ESG developments may help organizations ensure regulatory compliance and that the appropriate due diligence is conducted prior to securing ESG-based financial commitments.

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Chart: Powering Up Battery Cell Capacity

The European Union paved the way for companies including Tesla Inc. and BMW AG to get about 2.9 billion euros (\$3.5 billion) of state aid for battery projects that will strengthen the bloc's position in the race to produce more electric vehicles.

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Climate

Corporations Bought More Clean Power Than Ever Before in 2020

The coronavirus pandemic hasn't stymied the corporate push for clean power.

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Latest Biden Climate Plan Include E-Trucks, Oil Lease Halt (1)

President Joe Biden is set to order fresh action to combat climate change -- with plans for blocking new oil leasing on federal land, prioritizing science in government decision-making and bringing world leaders together to address the threat.

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NextEra, FirstGroup to Electrify School Buses, a Biden Goal (1)

Clean-energy giant NextEra Energy Inc. announced a plan to electrify thousands of school buses, capitalizing on President Joe Biden's goal of accelerating the green transition.

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Mastercard Joins Net-Zero Climate Club With Audacious 2050 Goal

Mastercard Inc. has tightened its corporate climate strategy, now pledging to reach the equivalent of no greenhouse gas emissions by 2050, a goal shared by a quickly growing number of companies and governments around the world.

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Energy & Natural Resources

FERC Seeks to Avoid Lawsuit Over Defunct Constitution Pipeline

Multiple challenges to the Federal Energy Regulatory Commission's authorization of the Constitution natural gas pipeline should be dismissed because the pipeline developer canceled the project, the agency told the Second Circuit.

📎 Documents Attached

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Exxon, Shell Face Rating Cuts on Greater Climate Risk, S&P Says

Big Oil suffered a fresh setback after one of the most influential rating companies warned it may cut the credit score of Exxon Mobil Corp., Royal Dutch Shell Plc and a plethora of other major energy companies due to "greater industry risk" associated with climate change.

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BP Gets Pushback From Texas Agency It Urged to Ban Gas Flaring

Last year, BP Plc called on Texas regulators to take bold action to stamp out the routine flaring of natural gas, a harmful environmental practice that's drawn increasing scrutiny from investors.

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Montana's Rosebud Coal Mine Expansion Proceeds Despite Lawsuit

Environmental groups waited too long to seek a court order to block Westmoreland Rosebud Mining LLC's operations at an expanded coal mine in Montana in an effort to save an endangered fish, a federal court in the state ruled.

📎 Documents Attached

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InsideEPA

MORNING ALERT

Latest News

Biden Order Might Spur Carbon Cost Hike, Helping Justify EPA GHG Rules

President Joe Biden's recent climate change executive order (EO) is expected to spur a significant increase in the interim social cost of carbon (SCC), the metric used to quantify the benefits of greenhouse gas rules, with key advocates pressing it to be set as high as \$125 per ton, up to four times the Obama-era value, which would help EPA and other agencies to justify sweeping new GHG policies. [FULL STORY](#)

Biofuels Supporters Launch Campaign Against Biden's Push For EVs

Biofuels advocacy groups are launching a campaign against President Joe Biden's push for greater use of electric vehicles (EVs) to help combat climate change, arguing that the administration should create a major role for biofuels to help reduce greenhouse gas emissions through EPA's renewable fuel standard (RFS) and other programs. [FULL STORY](#)

C2ES, Companies Urge Quick EPA Start To Talks On Cutting Utility GHGs

The Center for Climate and Energy Solutions (C2ES) think tank and several major companies are urging EPA to quickly convene stakeholder talks on options for reducing power plant greenhouse gas emissions given uncertainty about prospects in Congress for a clean energy standard (CES) or other policies that could replace agency utility GHG rules. [FULL STORY](#)

EPA Pulls Five More Trump Policies From OMB Pre-Publication Review

EPA has withdrawn from White House Office of Management and Budget (OMB) review five more air and water policies developed by the Trump administration following Biden White House Chief of Staff Ron Klain's announcement of a regulatory freeze in order to reconsider pending Trump EPA actions. [FULL STORY](#)

Daily Feed

Pingree to lead House appropriations environment panel

Rep. Chellie Pingree (D-ME) will head the House Appropriations Committee's panel on interior, environment and related agencies, which has authority over EPA's budget. [FULL STORY](#)

Ewire: EPA Region 1 employees see morale boost under Biden

In today's Ewire: Employees in EPA's Region 1 in New England say there is a morale boost at the agency under President Joe Biden compared to what they call a "culture of fear" during the Trump administration. [FULL STORY](#)

Environment Next

NRDC predicts significant growth of wind energy sector in 2021

The Natural Resources Defense Council (NRDC) is suggesting that 2021 could see major development for the U.S. offshore wind energy industry, with coastal states and the federal government poised to give the sector a big push as part of President Joe Biden's ambitious clean energy agenda. [FULL STORY](#)



AIR POLLUTION LINKED TO HIGHER RISK OF SIGHT LOSS FROM AMD

Air pollution is linked to a heightened risk of progressive and irreversible sight loss, known as age related macular degeneration (AMD), reveals a large long term study led by UCL researchers.

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A NEW WAY TO TRACK ENDANGERED WILDLIFE POPULATIONS FROM SPACE

Scientists have developed a new technique for remotely surveying elephants and other wildlife that is quicker and has the same accuracy as human counts done on the ground or in low-flying airplanes.

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AIRCRAFT COULD CUT EMISSIONS BY BETTER SURFING THE WIND

Airlines could save fuel and reduce emissions on transatlantic flights by hitching a better ride on the jet stream, new research has shown.

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